

**Certification Requirements**

Underline Proposed Permanent Additions

~~Strikeout Proposed Permanent Deletions~~

**SUBCHAPTER 2. GENERAL REQUIREMENTS**

**Article 1. Certification Application Procedures**

**§ 2010. APPLICANT QUALIFICATIONS.**

(a) Any operator of a recycling center, a dropoff or collection program, community service program or a processing facility shall be eligible to apply for certification in the respective category from the Division.

(b) A processor shall meet the requirements and be certified to operate a recycling center in order to receive any payments from the Division for beverage containers purchased by the processor directly from consumers.

(c) Operators certified by the Division must establish and maintain an office in California where records and reports meeting the requirements of Article 3 of subchapter 5 and Article 3 of subchapter 6 of these regulations will be stored and available for inspection at the request of the Division. The office shall be identified on the application for certification as the business address of the operator.

(d) For purposes of Articles 1 and 2 of this subchapter, a new applicant means an applicant, as defined in Section 2000(a)(3) of these regulations, applying for certification to operate a recycling center or processing facility.

(1) A new applicant shall meet all requirements for certification including, but not limited to, completing the precertification training and the precertification examination with a passing score.

(2) Meeting the requirements of this subsection qualifies the new applicant to apply for certification but does not guarantee certification will be granted by the Division.

(e) For purposes of Articles 1 and 2 of this subchapter, a renewal applicant means an applicant, as defined in Section 2000(a)(3) of these regulations, who is the operator of

the recycling center or processing facility, applying for renewal of certification and is currently certified.

(1) A renewal applicant shall meet all requirements for certification including, but not limited to, completing the precertification training and obtaining a passing score on the precertification examination.

(2) Meeting the requirements of this subsection qualifies the renewal applicant to apply for certification but does not guarantee certification will be granted by the Division.

(3) Renewal applicants may authorize a designee to complete the requirements described in this subsection and sign the certification renewal application.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, ~~14514.5~~, 14538, 14539, 14540 and 14553(b), Public Resources Code.

#### § 2011. PRECERTIFICATION TRAINING.

(a) All new applicants shall complete the precertification training prior to taking the precertification examination. The completed precertification training is valid for ninety (90) calendar days. No more than ninety (90) calendar days from the date of the precertification training, new applicants must complete and obtain a passing score on the precertification examination and submit a certification application to the Division with a valid application voucher, as described in 2012(n) of these regulations.

(b) Renewal applicants who do not possess a valid application voucher or operator voucher, as described in 2012(p) of these regulations, shall complete the precertification training prior to taking the precertification examination. Completion of the precertification training is valid for ninety (90) calendar days. No more than ninety (90) calendar days from the date of the precertification training, renewal applicants must complete and obtain a passing score on the precertification examination and submit a certification application to the Division with a valid application voucher. Failure to submit a certification application, with a valid application voucher, before the existing certificate expires may lead to expiration of the existing certificate and result in the operator being ineligible to receive any refund value, administrative fees, processing payments or handling fees.

(c) Each person must pre-register for the precertification training no less than three (3) business days prior to the day of the training. Class size may be limited and placement in the selected precertification training class is not guaranteed. Priority will be given to renewal applicants who require a new application voucher to submit their certification renewal application.

(d) The precertification training is open to persons who do not possess a valid application voucher or operator voucher and renewal applicants who possess a valid operator voucher that will expire on a date no more than six (6) months from the date of the precertification training.

(e) Participants in the precertification training shall provide the following on the day of the training:

(1) A current Driver License or Identification Card issued by the State of California, or a United States federal or state government issued photo identification;

(2) The precertification training participant's legal name which must match the photo identification card provided in (1) above;

(3) The precertification training participant's date of birth;

(4) The precertification training participant's Federal Tax Identification Number (also known as an Employer Identification Number) or Social Security Number;

(5) The precertification training participant's residential address;

(6) The precertification training participant's mailing address if different from (5) above;

(7) The precertification training participant's contact information including the home phone, mobile phone, and e-mail address;

(8) The name, if any, of the organization(s) with which the precertification training participant is affiliated;

(9) The precertification training participant's website address, if applicable.

(f) At the discretion of the Division, a modified version of the precertification training may be provided to renewal applicants or currently certified operators and their employees. The Division may recommend that persons who need assistance to improve successful participation in the California Beverage Container Recycling Program complete the full or modified version of the training.

(g) Precertification training will be held in various locations in California on a monthly basis or more or less frequently as the need dictates. Precertification trainings may be cancelled if three (3) business days prior to a scheduled training class there is not a minimum of five registered participants.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14538, 14539, 14541, and 14553(a), Public Resources Code.

#### § 2012. PRECERTIFICATION EXAMINATION.

(a) All new applicants who do not possess a valid application voucher, as specified in 2012 (n) of this section, must complete and obtain a passing score on the precertification examination no more than ninety (90) calendar days from the date of completing the precertification training.

(b) Renewal applicants who do not possess a valid application voucher or operator voucher, as described in 2012 (p) of this section, shall complete the precertification examination no more than ninety (90) calendar days after the date the precertification training was completed. Failure to submit a certification application, with a valid application voucher, before the existing certification expires may lead to expiration of the existing certificate and result in the operator being ineligible to receive any refund value, administrative fees, processing payments, or handling fees.

(c) Each person must pre-register for the precertification examination not less than three (3) business days prior to the day of the examination. Seating may be limited and placement in the selected precertification examination is not guaranteed. Priority will be given to renewal applicants who require an application voucher to submit their certification renewal application.

(d) The precertification examination is open to persons who do not possess a valid application voucher or operator voucher or renewal applicants who possess a valid operator voucher that will expire on a date no more than six (6) months from the date of the examination.

(e) Participants in the precertification examination shall verify the information specified in Section 2011(e) and present the following at the time of the precertification examination:

- (1) A current Driver License or Identification Card issued by the State of California, or United States federal or state government issued photo identification;
- (2) The precertification examination participant's legal name which must match the photo identification card provided in (1) above;
- (f) The precertification examination will be administered by Division staff and/or conducted by an examination proctor who is qualified and trained to administer the examination.
- (g) The precertification examination will be a timed examination. Each participant shall remain in the examination room until they complete their own examination. Leaving the examination room will conclude a participant's examination and examination documents must be surrendered.
- (h) Each precertification examination participant shall sign a nondisclosure agreement to keep the examination material confidential.
- (i) A precertification examination participant may be disqualified from the examination if the examination proctor or Division staff find cause before, during, or after the examination. Grounds for disqualification include but are not limited to:
  - (1) Providing false identification or information at any time;
  - (2) Removing examination documents from the examination room;
  - (3) Obtaining information during the examination from outside sources;
  - (4) Leaving the examination room during the examination.
- (j) The precertification examination shall consist entirely of a written test.
- (k) In order to receive a passing score, the precertification examination participant must score at least eighty percent (80%) or greater on the precertification examination.
- (l) Precertification examination participants will receive written confirmation of their completion of both the precertification training and precertification examination and notified whether or not they passed the precertification examination.
- (m) Should a precertification examination participant fail to receive a passing score, the precertification examination may be retaken at a later date, with or without participating in the precertification training. However, if more than ninety (90) calendar days have passed since the participant completed the precertification training, the participant must complete the precertification training again prior to taking the precertification

examination. Participants are allowed to take the precertification examination a maximum of three (3) times in a twelve (12) month period.

(n) The participant will receive an application voucher upon obtaining a passing score on the precertification examination no more than ninety (90) calendar days from the date of the precertification training. The date the participant completed the precertification training will be the date the application voucher becomes valid.

(o) The application voucher is valid for ninety (90) calendar days from the date the participant completed the precertification training. A valid application voucher shall be provided by the new applicant or renewal applicant with the certification application. The new applicant or renewal applicant must submit the application for certification and application voucher before the expiration date of the application voucher.

(p) Once a new applicant or renewal applicant is certified by the Division, the application voucher will be converted to an operator voucher and the operator voucher shall be valid for five (5) years from the date of the precertification training. The operator voucher is valid for only the operator named on the certification application and is not transferrable.

(1) The operator voucher is valid only for the person named on the operator voucher in association with the certified operator and cannot be used in association with another operator.

(2) Should the person named on the operator voucher become disassociated with the certified operator named on the certification application, the operator voucher becomes invalid as of the date the of the disassociation and the operator must obtain a new operator voucher no more than ninety (90) calendar days from that date.

(3) The operator voucher may be declared invalid by the Division at any time if the certification is revoked.

(q) At the discretion of the Division, a modified version of the precertification examination may be administered to participants who are seeking to renew certification or currently certified operators and their staff. Should a renewal applicant fail to pass the modified precertification examination, the full version of the precertification training and precertification examination must be taken. The Division may recommend that persons,

who need assistance to improve successful participation in the California Beverage Container Recycling Program, complete the full or modified version of the examination. Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14538, 14539 and 14541, and 14553(a), Public Resources Code.

#### § 2015. FILING OF APPLICATIONS FOR CERTIFICATION.

(a) Applications for certification, on a form(s) provided by the Division, shall be accepted and reviewed on a continuous basis as received.

(b) A separate, complete application shall be submitted to request certification to operate each recycling center, dropoff or collection program, community service program and processing facility.

(c) New applicants, as described in 2010(d) of these regulations, shall provide the following with their certification application:

(1) Federal Tax Identification Number (also known as an Employer Identification Number) or Social Security Number;

(2) Facility Address;

(3) A valid application voucher;

(4) A completed and signed Readiness Plan as described in 2045(d)(1).

(d) Certification applications, submitted by new applicants, that do not meet the requirements in subsection (c) above, shall not be accepted by the Division for review.

(e) Renewal applicants, as described in 2010(e) of these regulations, or their authorized designee as described in 2010(e)(3) of these regulations, shall provide the following with their certification application:

(1) Federal Tax Identification Number (also known as an Employer Identification Number) or Social Security Number;

(2) Facility Address;

(3) A valid application voucher;

(4) A completed and signed Readiness Plan as described in 2045(d)(1).

(f) Certification applications, submitted by renewal applicants, that do not meet the requirements in subsection (e) above, may not be accepted by the Division for review.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14538, 14539 and 14540, Public Resources Code.

#### § 2030. REVIEW OF APPLICATIONS.

(a) All applications for certification shall be reviewed by the Division for compliance with these regulations.

(b) The Division shall assess the readiness of all new applicant(s) and periodically conduct field investigations to verify the accuracy of information contained in certification application for new and renewal applicants and explain program requirements.

(c) The Division shall notify the applicant in writing within ~~fifteen (15)~~ thirty (30) working days, or of receipt of the application, or receipt of additional information if the application was initially incomplete, that it is either:

- (1) Complete and accepted for further review, or
- (2) Incomplete and the reasons for the incompleteness.

(d) Upon determining that an application is complete, the Division shall notify the applicant in writing within ~~forty-five (45)~~ sixty (60) calendar days, that such application is either:

- (1) Approved,
- (2) Approved with a probationary status, or
- (3) Denied and the reasons for denial.

(e) In determining whether the operator is likely to operate in accordance with these regulations, the Division shall review the certification history of the operator and other individuals identified in the application as responsible for the recycling center, processing facility, dropoff or collection program, or community service program operation.

(f) The Division shall review its records to determine whether one or more certified entities have operated within the past five years at the same location that is the subject of an application for certification of a recycling center or processor. If one or more entities have operated at the same location, the Division shall review the certification history of the entity or entities certified at the same location within the past five years



and determine whether the operations at the location exhibit, to the Division's satisfaction, a pattern of operation in compliance with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder.

(g) Reasons for denial of applications may include, but shall not be limited to, any of the following:

(1) Failure to provide information or documentation to complete the application as stipulated in section 2045 and 2055 of these regulations;

[\(2\) The renewal applicant does not possess a valid application voucher;](#)

~~(23)~~ The operator is unwilling to accept and redeem all beverage container types;

~~(34)~~ The recycling center operator does not agree to be open for business at least thirty (30) hours per week, five (5) of which are other than from 9 a.m. to 5 p.m. on Monday through Friday;

~~(45)~~ The operator's certification history demonstrates outstanding fines, penalties, or audit findings;

~~(56)~~ The operator's certification history discloses decertification of a recycling center, processing facility, dropoff or collection program, or community service program within the past two-year period;

~~(67)~~ The operator's certification history demonstrates a pattern of operation in conflict with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder; or

~~(78)~~ For applications for certification of recycling centers or processors, the certification history of one or more entities certified at the same location within the past five years fails to demonstrate to the Division's satisfaction a pattern of operation in compliance with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder.

(h) Notwithstanding paragraph ~~(34)~~ of subsection (g) above, the Division may allow the applicant to operate less than 30 hours per week if all of the following conditions are met:

(1) the recycling center will be located in a designated rural region; and

(2) the recycling center will not be located within a convenience zone; and,

(3) the proposed operating hours will not significantly decrease the ability of consumers to conveniently return beverage containers for the refund value to a certified recycling center redeeming all material types.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14538, 14539, 14540, 14541 and 14571, Public Resources Code.

#### § 2040. SUBMISSION OF NEW APPLICATIONS.

(a) The occurrence of any one of the following conditions shall require an operator to file a new application with the Division in accordance with section 2045 or section 2055 of these regulations:

- (1) A change in the location of the recycling center or processing facility; or
- (2) A change in the operator of the recycling center, dropoff or collection program, community service program or processing facility; or
- (3) A change in category as defined in section 2000(a)(5) of these regulations; or
- (4) With the exception of an operator who is currently operating under a probationary certification, expiration of the certificate; or
- (5) A change in the type of organization operating the certified entity.

(b) A new application shall be submitted ~~forty-five (45)~~ ninety (90) calendar days prior to the occurrence of any of the conditions in subsection (a), above.

(c) If a new application is not received ~~and approved~~ by the Division on or before the expiration date of the certificate, the existing certificate shall expire and the operator shall not be eligible for any refund value, administrative fees, processing payments or handling fees from the date of expiration until a new application is approved. The Division shall review all new applications for renewal of certification in the same manner as initial applications.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14518.5, 14538, 14539 and 14541, Public Resources Code.

### **Article 2. Content of Certification Applications**

#### § 2045. APPLICATIONS FOR RECYCLING CENTERS AND PROCESSORS.

(a) To be considered complete, applications (see Figures 1, 2, 3, and 4) shall contain the following information:

(1) The category of certification requested

(2) The contact person, business address, mailing address, [e-mail address](#), and telephone number of the organization.

(3) The type of organization which is requesting certification.

(A) If the organization is an individual doing or proposing to do business under a different name, the applicant shall provide a copy of any fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement and any fictitious business name statement.

(C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation and name and position of all current corporate officers as filed with the Secretary of State, any fictitious business name statement and the agent for service of process.

(D) If the organization is a corporation from a state other than California, the applicant shall provide a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.

(E) If the organization is a husband and wife co-ownership, the applicant shall provide both names and any fictitious business name statement.

(F) If the organization is a local government agency, the applicant shall provide a copy of the authorizing resolution from the governing board.

(G) If the organization is a limited liability company (LLC), the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, any operating agreement, any fictitious business name statement, and the agent for service of process.

(H) If the organization is a limited liability company from a state other than California, the applicant shall provide a copy of their certificate from the California Secretary of State authorizing the LLC to transact business in California.

(4) The federal identification number (employer ID number) of the organization.

(5) A history of past and pending certifications requested from the Division.

(6) The name, address, and phone number (if applicable) of the recycling center, or processing facility.

(7) The physical location of the facility in relation to the nearest cross street.

(8) The name, address and phone number of the owner or leaseholder, if applicable, of the facility premises.

(A) If the applicant owns the property, a current mortgage statement or a current tax bill which specifically identifies the organization name and the facility location.

(B) If applicant is leasing, renting, or operating on donated space, a signed copy of a current lease, rental agreement or written permission from the property owner or leaseholder who has authority to determine use of the specific property shall be provided.

(9) Processors shall provide the actual days and hours open for business if a regular schedule is maintained or, if a regular schedule is not maintained, processors shall indicate that they transact business by appointment only. This is for informational purposes only and does not subject processors to the fine and penalty provisions of the Act.

(10) Recycling centers shall provide the actual days and hours open for business.

(A) For recycling centers which are staffed, "actual days and hours open for business" shall be those days and hours where staff are scheduled to be present and do not include lunch breaks.

(B) For recycling centers which consist of reverse vending machines, "actual days and hours open for business" shall include all of the following:

1. The days and hours when the machine is scheduled to be in operation, and
2. The days and hours when beverage containers which are odd-sized or made from materials other than aluminum, glass and plastic will be redeemed, and
3. The days and hours when any beverage containers not accepted by the reverse vending machine will be redeemed by the host dealer.

(11) With the exception of recycling centers which meet the criteria for grandfathering and processors, acknowledgment that the organization agrees to accept and redeem all types of redeemable beverage containers.

(12) For recycling centers, a general description of the methods used to collect, store and/or cancel redeemed beverage containers. This shall include, but is not limited to, the types of equipment and/or receptacles used and the staffing.

(13) For recycling centers, the organization shall indicate if applying as a rural region recycler or a nonprofit convenience zone recycler.

(14) Recycling centers which consist of reverse vending machines shall specify a method for redeeming empty beverage containers which are odd-sized, made from materials other than aluminum, glass and plastic, or otherwise not accepted by the reverse vending machine. In determining whether the method is acceptable, the Division shall consider, but not be limited to, the following:

(A) Convenience to the public,

(B) Volume of containers sold, and

(C) Size and shape of containers.

(15) For processors, the type(s) of beverage container which will be accepted.

(16) Processors shall describe which of the acceptable methods prescribed in section 2000(a)(4) of these regulations will be used to cancel redeemable beverage containers.

(17) The name, residence address, including city and zip code, and residence phone number of the applicant. Programs operated by limited liability companies, corporations or governmental agencies are exempt from this provision.

(18) For an organization seeking certification of a recycling center located on federal land, a written authorization from an authorized agent of the federal government which will allow inspectors from the Division to enter the federal property for the purposes of conducting audits and unannounced inspections of the recycling center, pursuant to section 2125 of these regulations.

(19) For organizations requesting certification to operate a grandfathered facility, evidence that the recycling center was in operation on January 1, 1986, and the types of beverage containers accepted on that date.

(b) The application shall be submitted on a form entitled, "Certification Application, Recycling Centers and Processors," DOR 6/93 6, Rev. 10/99 provided by the Division and signed by the applicant under penalty of perjury. The signature block shall contain

an affidavit that the information in the application is true and that the organization agrees to operate in compliance with the Act and these regulations.

(1) If the organization is a partnership, the application shall be signed by each partner.

(2) If the organization is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind said entity to a contract.

(3) If the organization is a husband and wife co-ownership, the application shall be signed by both the husband and wife.

(4) If the organization is a limited liability company, the application shall be signed by a managing member, Executive Officer, or other designated member with the authority to legally bind the limited liability company to a contract.

(5) The applicant shall provide ~~the drivers license number~~ a current Driver License or Identification Card issued by the State of California, or a United States federal or state government issued photo identification of the applicant for identification purposes.

(c) An organization seeking certification to operate a recycling center as a nonprofit convenience zone recycler shall provide written documentation showing that its organization was established under Section 501(c) or 501(d) of Title 26 of the United States Code.

(d) The applicant shall prepare and submit a Readiness Plan with the certification application which shall demonstrate the applicant's ability to meet the conditions necessary to successfully operate a recycling center or processing facility.

(1)The applicant shall demonstrate preparedness in the following areas of responsibility and provide any applicable dollar amounts or information. The Readiness Plan shall contain at a minimum the information listed below:

(A) Projected startup costs for expenditures such as local government permit fees and licenses, land, construction, and initial operating costs;

(B) Projected monthly expenses for expenditures such as labor, taxes and fees, equipment and capital, and overhead;

(C) Projected monthly revenues for earnings such as sale of scrap, payments from processors in addition to CRV payments, or potential grants;

(D) Projected financing to operate successfully including sufficient cash flow to cover costs during slower business cycles;

(2) In addition to the information requested above, the applicant must:

(E) Obtain all necessary equipment to operate a recycling center or processing facility including access and ability to use DORIIS or other method of reporting and submitting claims as specified by the Division prior to the recycling center or processing facility becoming operational.

(F) Obtain approvals for all applicable local, County, State and Federal zoning, permitting or business permits and licenses that are required to operate a legal business prior to the recycling center or processing facility becoming operational;

(G) Obtain permission to operate a recycling center or processing facility from the property owner or landlord of the facility site prior to the recycling center or processing facility becoming operational;

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14514.7, 14515.6, 14538, 145f39, 14540 and 14571(a), (b) and (d), Public Resources Code.

## **Article 2. Notification Requirements**

### **§ 2405. NOTIFICATION REQUIREMENTS.**

(a) Notwithstanding the requirements of section 2040 of these regulations, certified processors shall notify the Division in writing ten (10) calendar days prior to any of the following events:

- (1) Change of name under which the processing facility is doing business,
- (2) Change of business or mailing address or phone number of operator,
- (3) Separation from parent company, if applicable,
- (4) Merger with another company,
- (5) Dissolution of the organization type identified in the application for certification,
- (6) Change in the type of redeemable beverage containers accepted,
- (7) A change in the method a processor is using to cancel containers,
- (8) Any change in a processor's status as a beneficiary as defined in section 2000(a)(3.1) of these regulations and Section 14503.6 of the Act.

- (9) A change in the agent for service of process, if applicable,
- (10) Any change in hours of operation, as presented in the application for certification or subsequent notification to the Division, during which certified operators and curbside programs can deliver beverage containers to the processing facility. Processors who do not maintain regular hours are exempt from this subsection, and nothing in this subsection shall result in processors being subject to the fine and penalty provisions of the Act,
- (11) A change in the type of organization,
- (12) Change in the name of the contact person for the operator,
- (13) Change in corporate officers, if applicable,
- (14) Change in the name of organization,
- (15) Any change in business ownership.
- (b) A processor who intends to be decertified shall submit a written notification to the Division, which includes the proposed effective date.
- (c) Within five (5) calendar days of the date the processing facility began purchasing empty beverage containers, the operator of the processing facility shall notify the Division in writing of the actual date the processing facility began purchasing empty beverage containers.
- (d) Should the person named on the operator voucher become disassociated with the operator of the processing facility, the operator shall notify the Division in writing, within ten (10) calendar days of the change.

Authority: Section 14536(b), Public Resources Code. Reference: Section 14503.6, 14539 and 14575, Public Resources Code.

## **SUBCHAPTER 6. RECYCLING CENTERS**

### **Article 1. Requirements for Recycling Centers**

#### **§ 2505. NOTIFICATION REQUIREMENTS.**

- (a) Notwithstanding the requirements of section 2040 of these regulations, certified recycling centers shall notify the Division in writing ten (10) calendar days prior to any of the following events:



- (1) Change of name under which the recycling center is doing business,
  - (2) Change of business address, mailing address or phone number of operator,
  - (3) Separation from parent company, if applicable,
  - (4) Merger with another company,
  - (5) Discontinuance of operation,
  - (6) Dissolution of the organization type identified in the application for certification,
  - (7) Change in the type of redeemable beverage containers accepted,
  - (8) Any change in the hours of operation as presented in the application for certification or by subsequent notification to the Division,
  - (9) For recycling centers which consist of reverse vending machines, a change in the method approved by the Division for redeeming empty beverage containers which are odd-sized, made of materials other than aluminum, glass, and plastic, or otherwise not accepted by the reverse vending machine,
  - (10) Change in the agent for service of process, if applicable,
  - (11) Change in the type of organization,
  - (12) Change in the name of the contact person for the operator,
  - (13) Change in corporate officers, if applicable,
  - (14) Change in the name of the organization,
  - (15) Any change in business ownership.
- (b) Within five (5) calendar days of the date the recycling center began redeeming empty beverage containers, the operator of the recycling center shall notify the Division in writing of the actual date the recycling center began redeeming. Failure to do so or to provide an accurate date will result in denial of handling fee payments for the months the operator failed to notify, or provide an accurate date to, the Division.
- (c) The operator of a supermarket site shall notify the Division in writing, within ten (10) working days, of the closure of the supermarket or dealer where the recycling center is located.
- (d) The operator of a certified recycling center who intends to be decertified shall submit a written notification to the Division, which includes the proposed effective date.
- (e) The operator of a supermarket site shall notify the Division in writing, within five (5) calendar days, if the recycling center is moved within the supermarket or dealer parking

lot. Nothing in this section is intended to require a recycling center to report to the Division movement related to the emptying of recycling equipment.

(f) Should the person named on the operator voucher become disassociated with the operator of a certified recycling center, the operator shall notify the Division in writing, within ten (10) calendar days of the change.

Authority: Section 14536(b), Public Resources Code. Reference: Section 14515.6, 14526.6, 14538, 14571(d), and 14585, Public Resources Code.

## **SUBCHAPTER 8. CURBSIDE PROGRAMS**

### **Article 1. Identification Numbers**

#### **§ 2650. CURBSIDE REGISTRATION APPLICATION REVIEW AND RENEWAL.**

(a) The Division will issue a registration number to all eligible curbside programs in order to facilitate the auditing of payments made to curbside programs, and proper payment of refund values, processing payments, supplemental payments, quality glass incentive payments and administrative fees. No curbside program may receive refund values, processing payments, supplemental payments, quality glass incentive payments or administrative fees without a valid registration number.

(b) The registration number issued shall be valid for a maximum of two years. All registration numbers expire on the anniversary of the original application approval date. The curbside program shall submit a completed Application for Curbside Registration, DOR 50 10/99, for renewal, at least 30 days prior to the expiration date of the registration number. The application may be obtained from the Division upon request. The renewal application shall be subject to the same standards and requirements as the original application.

(c) Upon receiving a request for a registration number from a curbside program, the Division shall furnish the curbside operator with an "Application for Curbside Registration" DOR 50 10/99, which shall be used to apply for a new registration number or for renewal of a current registration number. In addition to submitting the completed application, the curbside program operator shall supply to the Division the following information:

(1) A dated and signed copy of a contract or franchise agreement acknowledging the curbside program and the expiration date of the contract or franchise agreement, and identification of the public official responsible for oversight of the contract or franchise agreement, including the official's title, address, and phone number; or

(2) A letter prepared by the operator or the public official, and bearing the signature of the city, county or other public agency's chief administrative officer, or his or her designee, verifying that the program operates with the full knowledge and concurrence of the city, county, or public agency.

(d) The application (DOR 50 10/99) shall be completed by providing the following information:

(1) The operator's organization name; parent company name and fictitious business name statement, if applicable; business and mailing address; telephone number; federal employer identification number and the name and title of the individual responsible for completing the application.

(2) The date the program started, or proposes to start operation.

(3) The operator's type of organization, whether an individual, partnership, profit corporation, nonprofit corporation, limited liability company, husband and wife co-ownership, local government agency, federal agency, joint power of authority, or other type of organization.

(A) If the organization or individual is doing or proposing to do business under a different name, the applicant shall provide a copy of their fictitious business name statement.

(B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.

(C) If the organization is a corporation, the applicant shall provide the corporate number, the Articles of Incorporation, name and position of all current corporate officers as filed with the Secretary of State, and the agent for service of process.

(D) If the organization is a corporation from a state other than California, the applicant shall provide a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.

(E) If the organization is a husband and wife co-ownership, both names shall be provided.

(F) If the organization is a limited liability company (LLC), the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, any operating agreement, and the agent for service of process.

(G) If the organization is a limited liability company (LLC) from a state other than California, the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, any operating agreement, the agent for service of process and a copy of the certificate from the California Secretary of State authorizing the LLC to transact business in California.

(H) If the organization is a local government agency, federal agency or a joint power of authority, the applicant shall provide a copy of the authorizing resolution from the governing board.

(4) A map of the areas serviced by the program and the number of single and multiple family residences and apartment units served by the program.

(5) Whether the operator of the curbside program is currently certified by the Division and a list of valid certification numbers, if applicable.

(6) A description of the program including a listing of the types of residences and/or businesses served by the program.

(7) Whether recyclables are sorted or mixed at the point of collection.

(8) A description of the collection containers used by the program.

(9) If a separate company sorts the curbside materials after collection, the sorter company name, address, telephone number and contact person.

(10) The name and certification number of the recycling centers and/or processors to which materials collected by the curbside program are most often sold and the type(s) of material sold.

(11) The name and address of the public agency responsible for the oversight of the contract or franchise agreement and the name, title and telephone number of the public agency contact person as well as the community or communities served by this curbside program.

(12) The frequency that curbside materials are collected.

(13) The method of collection for materials in residential areas.

(14) The types of recyclable materials the curbside program accepts or collects.

(15) The name, residence address, including city and zip code, residence phone number, and driver license number of the applicant(s).

(e) The curbside program operator shall submit to the Division the local public agency authorization described in subsection (c) above and the completed application signed by the operator under penalty of perjury. The signature block shall contain an affidavit that the information in the application is true and that the operator agrees to operate in compliance with the Act and these regulations.

(1) If the operator is a partnership, each partner shall sign the application.

(2) If the operator is a firm, association, corporation, LLC, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with the authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, both husband and wife shall sign the application.

(f) All applications for curbside registration shall be reviewed by the Division for compliance with the Act and these regulations. Within ~~45~~ thirty (30) working days of receiving the Application for Curbside Registration, DOR 50 10/99 and local public agency authorization, the Division shall notify the curbside program, in writing, that the requested information is complete and accepted for filing with the Division, or incomplete and the reasons for the incompleteness. If incomplete, the Division shall specify the additional information necessary before a registration number will be issued. Upon determining that an application is complete, the Division shall notify the applicant in writing within ~~forty-five (45)~~ sixty (60) calendar days that the application is either approved, approved for probationary status or denied and the reason(s) for denial.

(g) A curbside program shall meet all standards and requirements for registration contained in section 14551.5 of the Act and in these regulations.

(h) Reasons for denial of an Application for Curbside Registration, DOR 50 10/99, are:

(1) Failure to provide information or documentation to complete the application as required in these regulations;

(2) The curbside program is unwilling to accept all beverage container types;

(3) The curbside operator, the curbside program or other individuals identified in the application have a history which demonstrates a pattern of operation in conflict with the requirements of the Act.

(i) The curbside program shall provide its registration number on all reports required by the Division and shall provide its registration number to certified recyclers and processors at the time it delivers recyclables.

(j) The operator of a curbside program shall notify the Division in writing ten (10) calendar days prior to any of the following events:

(1) Change of name under which the curbside program is doing business,

(2) Change of address or phone number of operator,

(3) Separation from parent company, if applicable,

(4) Merger with another company,

(5) Discontinuance of operation,

(6) Expiration of, or cancellation of, contract or franchise agreement with the city, county, or local public agency, or

(7) Change or retraction in the acknowledgment of the curbside program by the authorized public agency.

(k) Notification of any events listed in (j) above may result in cancellation of the registration number by the Division.

(l) Any curbside program information of a personal or proprietary nature that is retained by the Division shall be confidential. The data shall only be released on a cumulative basis, and without identification of any individual operator by name, number or location of operation.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference:

Sections 14509.5, 14549.1, 14551.5, 14554, 14571.8, and 14573.5, Public Resources Code.